REMARKS

Claims 1-31 are now in the case.

Applicants have amended independent claims 1, 14 and 22 to add the requirement that the scents are normalized. Support for this amendment is found, at least, on page 18, lines 12-15 of Applicants' specification.

Response to the Office Action

The Rejection under 35 U.S.C. 103 over Spector

Claims 1-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Spector (U.S. Patent 4,629,604). Applicants respectfully traverse this rejection. The reference does not establish a *prima facie* case of obviousness since it does not teach or suggest all of Applicants' claim limitations. Specifically, Spector does not suggest an article of manufacture wherein the multiple scents are normalized so that there is an equivalent intensity of scent experience for each scent in the article of manufacture. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

Spector does not teach or suggest normalizing multiple scents, as described by Applicants. Independent claims 1, 14 and 22, as amended, require that the multiple scents are normalized so that there is an equivalent intensity of scent experience for each scent in the article. Spector, on the other hand, discloses an aroma device using scents that can vary in scent intensity. Spector's system uses liquid fragrance-soaked pads over individual heaters. As discussed in Col. 6, lines 27-38 of Spector, some aromas "are more pungent" than others. In other words, the intensity of scent experience varies from scent to scent. Spector's solution is to alter the heat produced by his individual heaters. He does not teach or suggest Applicants' claimed method, which normalizes the scents themselves. Spector's use of heaters is complex, requiring the user to understand the level of intensity of each scent and then correctly alter the level of heat accordingly. In addition, the intensity of Spector's fragrances may vary too much for the difference in heating to "level out" the scent experience.

Applicants' independent claims 1, 14 and 22 clearly require that the multiple scents are normalized so that there is an equivalent intensity of scent experience for each scent in the

article, rather than requiring the end user to calculate intensity levels and correctly adjust heaters accordingly. Spector teaches that his method is sufficient to adjust intensity levels. Therefore, there would have been no motivation for one skilled in the art to modify Spector by normalizing scents. In addition, such normalization would be extremely difficult to achieve for Spector, who envisions using a wide variety of different scents to produce his "smell-o-vision" concept. His scents vary from "rain" to "coconut" to "skunk" (see Fig. 3). Therefore, Spector does not establish a *prima facie* case of obviousness since he doesn't disclose an element of Applicants' claimed invention (see MPEP 2143.03).

Since Spector does not teach or suggest any of the above-identified elements in his patent, a *prima facie* case of obviousness has not been established. As a result, Applicants contend that their claimed article of manufacture is novel and unobvious and that the rejection under 35 U.S.C. 103(a) should be withdrawn.

Double Patenting Rejection

Claims 1-31 have been provisionally rejected under the doctrine of double patenting as being unpatentable over claims 1-60 of copending Application No. 09/730,261.

Applicants respectfully submit that this rejection is premature. Since neither the present application nor 09/730,261 has allowed claims, a determination as to the obviousness of their patented claims cannot be made. Applicants request deferral of this issue until one of the applications has allowed claims.

It is submitted that Claims 1-31 are in condition for allowance. Early and favorable action on all claims is therefore requested.

If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,
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